



BALLOTPEDIA EXPEDITIONS

NONDELEGATION

Go Deeper: Resuscitating the Non-Delegation Doctrine: A Compromise and an Experiment by A. J. Kritkos

After reading “Resuscitating the Non-Delegation Doctrine: A Compromise and an Experiment” by A.J. Kritkos, consider the following questions:

- What does the author mean by the line-drawing problem that occurs when delineating a permissible delegation from an impermissible one? How would you draw the line? Do you think that the nondelegation should be applied rigidly or is there room for flexibility?
- What does the author mean by the Marshall Test? Do you think the nondelegation doctrine should be applied differently in criminal versus civil cases?
- Do you find Florida’s jurisprudence around the nondelegation doctrine a satisfactory step toward resuscitating the doctrine?